



February 24, 2006

**ENGROSSED
SENATE BILL No. 300**

DIGEST OF SB 300 (Updated February 22, 2006 4:52 pm - DI 69)

Citations Affected: IC 5-2; IC 16-18; IC 16-21; IC 35-41.

Synopsis: Victim's compensation fund. Defines "bodily injury" and specifies that the term includes emotional trauma only if the trauma stems directly from the impairment of a physical condition, a visible injury, or physical pain. Provides that compensation to a victim of a violent crime may not be paid to a person who profited from the criminal act or who was intoxicated at the time of the crime and contributed to the commission of an unrelated felony, unless the person was the victim of a sex crime or a crime of domestic or family violence. Permits only one claimant per victim to receive benefits. Authorizes the division of victim services to award benefits for an injury resulting from criminal use of a motor vehicle only after an information or indictment is filed, and does not permit an award in any case until records are available and the criminal investigation is concluded. Provides that certain information relating to the victim of a crime is confidential. Makes the reimbursement rate for medical services
(Continued next page)

Effective: Upon passage; July 1, 2006.

Long, Bray, Broden, Lanane, Howard
(HOUSE SPONSORS — FOLEY, LAWSON L, THOMAS, CROUCH)

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 26, 2006, amended, reported favorably — Do Pass.

January 31, 2006, read second time, amended, ordered engrossed.

February 1, 2006, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 7, 2006, read first time and referred to Committee on Courts and Criminal Code.

February 23, 2006, amended, reported — Do Pass.

**C
o
p
y**

ES 300—LS 6805/DI 106+



Digest Continued

provided as the result of bodily injury equal to the reimbursement rate for services under the Indiana comprehensive health insurance association (ICHIA), and clarifies that the ICHIA rate does not apply to the reimbursement of forensic and evidence gathering services provided to the victim of a sex crime. Defines "forensic medical exams" and "additional forensic services" and replaces references to "emergency services," "hospital emergency services," and "emergency hospital services" with "forensic medical exams" and "additional forensic services". Permits reimbursement for burial expenses up to \$4,000 and for mental health care up to \$2,000. Requires documentation of certain expenses before a benefit may be awarded. Prohibits an attorney who represents a crime victim at a hearing held by the division from charging a contingency fee of more than 10% or being paid directly by the division. Permits an attorney who obtains a civil judgment on which the state has a lien for the provision of victim services to receive attorney's fees of not more than 15% of the amount received by the state. Makes other changes and conforming amendments. Repeals an obsolete provision relating to attorney's fees.

**C
o
p
y**



February 24, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 300

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-6.1-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2006]: **Sec. 0.5. As used in section 7 of this chapter, "bodily
4 injury" means:**
5 (1) **an impairment of a physical condition;**
6 (2) **a visible injury;**
7 (3) **physical pain; or**
8 (4) **emotional trauma that stems directly from the impairment
9 of a physical condition, a visible injury, or physical pain.**
10 SECTION 2. IC 5-2-6.1-2.5 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2006]: **Sec. 2.5. As used in this chapter, "emergency shelter care"
13 means housing in a facility having the primary purpose of
14 providing temporary or transitional shelter for the homeless or for
15 a specific population of the homeless.**
16 SECTION 3. IC 5-2-6.1-5.5 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

ES 300—LS 6805/DI 106+



C
O
P
Y

1 1, 2006]: **Sec. 5.5. As used in this chapter, "motor vehicle" has the**
2 **meaning set forth in IC 7.1-1-3-26.3.**

3 SECTION 4. IC 5-2-6.1-11.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. A claimant's:**

- 6 (1) **personal information (as defined in IC 9-14-3.5-5); and**
- 7 (2) **medical records;**
- 8 **are confidential.**

9 SECTION 5. IC 5-2-6.1-13 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13. (a)** Subject to
11 subsection (b) **and except as provided in subsection (c)**, benefits may
12 not be awarded:

- 13 (1) if the victim sustained the injury as a result of participating or
- 14 assisting in, or attempting to commit or committing a criminal act;
- 15 **or**
- 16 (2) if the injury occurred while the victim was a resident in a
- 17 county, city, or federal jail or prison or in an institution operated
- 18 by the department of correction;
- 19 (3) **if the victim profited or would have profited from the**
- 20 **criminal act; or**
- 21 (4) **if, at the time the injury occurred, the victim was**
- 22 **intoxicated and contributed to the commission of an unrelated**
- 23 **felony.**

24 (b) If the victim is a dependent child or dependent parent of the
25 person who commits a violent crime, compensation may be awarded
26 where justice requires.

27 (c) **Benefits may be awarded to a person described in subsection**
28 **(a)(4) who is the victim of a sex crime under IC 35-42-4, a crime of**
29 **family violence (as defined in IC 35-41-1-6.5), or a crime of**
30 **domestic violence (as defined in IC 35-41-1-6.3).**

31 SECTION 6. IC 5-2-6.1-13.5 IS ADDED TO THE INDIANA
32 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2006]: **Sec. 13.5. The division may not award**
34 **a benefit to more than one (1) claimant per victim.**

35 SECTION 7. IC 5-2-6.1-14 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14. (a)** Benefits may
37 not be awarded to a **victim claimant** under section 12(1), 12(2), 12(3),
38 12(4), or 15 of this chapter if the victim **or claimant** had a net worth
39 of greater than two hundred thousand dollars (\$200,000) at the time of
40 suffering bodily injury.

41 (b) Benefits may not be awarded to a **person claimant** under section
42 12(5), 12(6), 12(7), or 12(8) of this chapter if the **person victim or**

C
o
p
y



1 **claimant** had a net worth of greater than two hundred thousand dollars
2 (\$200,000) at the time of suffering bodily injury.

3 SECTION 8. IC 5-2-6.1-15 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) If an unmarried
5 victim of a violent crime dies as a result of the crime, the division ~~shall~~
6 **may** pay the reasonable expenses incurred for funeral, burial, or
7 cremation.

8 (b) **The division shall adopt guidelines to determine when the**
9 **payment of expenses under subsection (a) is appropriate. In**
10 **adopting guidelines under this subsection, the division shall**
11 **consider the availability of other sources of compensation,**
12 **including township assistance and federal programs.**

13 SECTION 9. IC 5-2-6.1-16 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A person
15 eligible for assistance under section 12 of this chapter may file an
16 application for assistance with the division if the violent crime was
17 committed in Indiana.

18 (b) The application must be ~~filed~~ **received by the division** not more
19 than one hundred eighty (180) days after the date the crime was
20 committed. The division may grant an extension of time for good cause
21 shown by the claimant. However, **the division may not accept** an
22 application ~~may not be filed that is received~~ more than two (2) years
23 after the date the crime was committed.

24 (c) The application must be filed in the office of the division in
25 person, **through the division's web site**, or by **first class or** certified
26 mail. If requested, the division shall assist a victim in preparing the
27 application.

28 (d) The division shall accept all applications filed in compliance
29 with this chapter. **Upon receipt of a complete application**, the
30 division shall promptly begin the investigation and processing of an
31 application.

32 SECTION 10. IC 5-2-6.1-17 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) The division
34 may not award compensation under this chapter unless the violent
35 crime was reported to a law enforcement officer not more than
36 forty-eight (48) hours after the occurrence of the crime.

37 (b) **The division may not award compensation under this**
38 **chapter until:**

- 39 (1) **law enforcement and other records concerning the**
40 **circumstances of the crime are available; and**
41 (2) **any criminal investigation directly related to the crime has**
42 **been substantially completed.**

C
o
p
y



1 (c) If the crime involved a motor vehicle, the division may not
2 award compensation under this chapter until an information or
3 indictment alleging the commission of a crime has been filed by a
4 prosecuting attorney.

5 SECTION 11. IC 5-2-6.1-21 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) This section
7 applies to claims filed with the division after December 31, 2005.

8 (b) This subsection does not apply to reimbursement for forensic
9 and evidence gathering services provided under section 39 of this
10 chapter. As used in this chapter, "out-of-pocket loss" means expense
11 or indebtedness reasonably incurred for medical care or other services
12 resulting from the bodily injury or death upon which the application is
13 based ~~an amount equal to the amount of reimbursement payable~~
14 ~~under IC 27-8-10-3 for each of the types of services and items~~
15 ~~provided to the victim as a result of the bodily injury or death upon~~
16 ~~which the application is based.~~

17 (b) (c) An award may not be made unless the claimant has incurred
18 an out-of-pocket loss of at least one hundred dollars (\$100).

19 (c) (d) Subject to ~~subsection~~ subsections (b) and (c), the division
20 may order the payment of compensation under this chapter for any of
21 the following:

22 (1) Reasonable expenses incurred for necessary medical,
23 chiropractic, hospital, dental, psychological, optometric,
24 psychiatric, and ambulance services and prescription drugs and
25 prosthetic devices that do not exceed the claimant's
26 out-of-pocket loss.

27 (2) Loss of income the:
28 (A) victim would have earned had the victim not died or been
29 injured, if the victim was employed at the time of the crime;
30 or
31 (B) parent, guardian, or custodian of a victim who is less
32 than eighteen (18) years of age incurred by taking time off
33 work to care for the victim.

34 A claimant seeking reimbursement under this subdivision
35 must provide the division with proof of employment and
36 current wages.

37 (3) Reasonable emergency shelter care expenses, not to exceed
38 the expenses for thirty (30) days, that are incurred for the claimant
39 or a dependent of the claimant to avoid contact with a person who
40 committed the violent crime.

41 (4) Reasonable expense incurred for child care, not to exceed one
42 thousand dollars (\$1,000), to replace child care the victim would

C
o
p
y



1 have supplied had the victim not died or been injured.
 2 (5) Loss of financial support the victim would have supplied to
 3 legal dependents had the victim not died or been injured.
 4 (6) ~~Reasonable~~ **Documented** expenses incurred for funeral,
 5 burial, or cremation **of the victim that do not exceed four**
 6 **thousand dollars (\$4,000). The division shall disburse**
 7 **compensation under this subdivision in accordance with**
 8 **guidelines adopted by the division.**
 9 (7) Other actual expenses resulting from the bodily injury or death
 10 of the victim, including costs of mental health care, not to exceed
 11 ~~one two~~ thousand dollars (~~\$1,000~~); **(\$2,000)** for the immediate
 12 family of a homicide or sex crime victim, and any other actual
 13 expenses that the division determines reasonable.
 14 **(e) If a health care provider accepts payment from the division**
 15 **under this chapter, the health care provider may not require the**
 16 **victim to pay a copayment or an additional fee for the provision of**
 17 **services.**
 18 **(f) A health care provider who seeks compensation from the**
 19 **division under this chapter may not simultaneously seek funding**
 20 **for services provided to a victim from any other source.**
 21 SECTION 12. IC 5-2-6.1-23 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) In addition to
 23 the subrogation rights under section 22 of this chapter, the state is
 24 entitled to a lien in the amount of the award on a recovery made by or
 25 on behalf of the victim.
 26 (b) The state may:
 27 (1) recover the amount under subsection (a) in a separate action;
 28 or
 29 (2) intervene in an action brought by or on behalf of the victim.
 30 (c) If the claimant brings the action, the claimant may deduct from
 31 the money owed to the state under the lien the state's pro rata share of
 32 the reasonable expenses for the court suit, including attorney's fees **of**
 33 **not more than fifteen percent (15%).**
 34 SECTION 13. IC 5-2-6.1-28 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. (a) Not more than
 36 ten (10) days after the hearing, the hearing officer shall issue a written
 37 ~~determination~~ **decision** supported by findings of fact and conclusions
 38 of law based on the record from the hearing, the investigation, and the
 39 application of the claimant.
 40 (b) Copies of the determination shall be mailed to the claimant at
 41 the address given in the application and to the attorney general.
 42 SECTION 14. IC 5-2-6.1-32 IS AMENDED TO READ AS

C
o
p
y



1 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The division
2 shall reduce an award made under this chapter by the amount of
3 benefits received or to be received from the following sources if those
4 benefits result from or are in any manner attributable to the bodily
5 injury or death upon which the award is based:

- 6 (1) Benefits from public or private pension programs, including
- 7 Social Security benefits.
- 8 (2) Benefits from proceeds of ~~an insurance policies~~ **policy**.
- 9 (3) Benefits under IC 22-3-2 through IC 22-3-6.
- 10 (4) Unemployment compensation benefits.
- 11 (5) Benefits from other public funds, **including Medicaid and**
- 12 **Medicare.**

13 Compensation must be further reduced or denied to the extent that the
14 claimant's loss is recouped from other collateral sources.

15 (b) The division shall further reduce an award under this chapter by
16 the following:

- 17 (1) The amount of court ordered restitution actually received by
- 18 the victim from the offender.
- 19 (2) Benefits actually received by the victim from a third party on
- 20 behalf of the offender.

21 (c) The division shall determine whether the victim vigorously
22 pursued recovery against available collateral sources described in this
23 section.

24 (d) If the division finds that a victim has failed to pursue an
25 applicable collateral source of recovery, the division shall reduce or
26 deny an award under this section by the amount that is available to the
27 victim through the collateral source.

28 **(e) A claimant must exhaust any paid or otherwise compensated**
29 **vacation leave, sick leave, personal leave, or other compensatory**
30 **time accrued through an employer before applying for benefits.**
31 **The division may not reimburse the victim for the use of paid or**
32 **otherwise compensated vacation leave, sick leave, personal leave,**
33 **or other compensatory time.**

34 SECTION 15. IC 5-2-6.1-34 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In determining
36 the amount of the award, the division shall determine whether the
37 victim contributed to the infliction of the victim's injury or death.

38 (b) If the division finds that the victim ~~did contribute~~ **contributed**
39 **to the infliction of the victim's injury or death, the division may deny**
40 **an award. in whole or in part depending upon the extent of the victim's**
41 **contributory conduct.**

42 (c) If the division further finds that the victim's contributory conduct

C
o
p
y



1 was solely attributable to an effort to:

- 2 (1) prevent a crime from occurring in the victim's presence; or
 3 (2) apprehend a person who committed a crime in the victim's
 4 presence;

5 the victim's contributory conduct does not render the victim ineligible
 6 for compensation.

7 SECTION 16. IC 5-2-6.1-35 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 35. (a) An award to a
 9 claimant under this chapter:

- 10 (1) may not exceed fifteen thousand dollars (\$15,000); and
 11 (2) may not cover the first one hundred dollars (\$100) of the
 12 claim.

13 (b) The part of an award covering an unpaid bill shall be made
 14 payable ~~jointly to the claimant and to the creditor on that bill:~~ **to the**
 15 **service provider.**

16 SECTION 17. IC 5-2-6.1-37.5 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2006]: **Sec. 37.5. An attorney who represents**
 19 **a victim at a hearing conducted by the division related to a claim**
 20 **under this chapter may not:**

- 21 (1) **charge a claimant a contingency fee for the representation**
 22 **that exceeds ten percent (10%) of the value of the award; or**
 23 (2) **receive a direct payment from the division.**

24 SECTION 18. IC 5-2-6.1-39 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. (a) When a hospital
 26 acting under IC 16-21-8 provides ~~emergency services~~ **a forensic**
 27 **medical exam** to an alleged sex crime victim, the hospital shall furnish
 28 the ~~services~~ **forensic medical exam described in IC 16-21-8-6**
 29 without charge. The victim services division of the Indiana criminal
 30 justice institute shall reimburse a hospital for its costs in providing ~~the~~
 31 **these** services and shall adopt rules and procedures to provide for
 32 **reasonable** reimbursement. A hospital may not charge the victim for
 33 services required under this chapter, despite delays in reimbursement
 34 from the victim services division of the Indiana criminal justice
 35 institute.

36 (b) **When a hospital acting under IC 16-21-8 provides additional**
 37 **forensic services to an alleged sex crime victim who cooperates**
 38 **with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the**
 39 **hospital shall furnish the additional forensic services without**
 40 **charge. The victim services division of the Indiana criminal justice**
 41 **institute shall reimburse a hospital for its costs in providing these**
 42 **services and may adopt rules and procedures to provide for**

C
O
P
Y



1 reasonable reimbursement. A hospital may not charge the victim
 2 for services required under this chapter even if there is a delay in
 3 receiving reimbursement from the victim services division of the
 4 Indiana criminal justice institute.

5 (c) When a hospital acting under IC 16-21-8 provides additional
 6 forensic services to an alleged sex crime victim who does not
 7 cooperate with law enforcement under IC 16-21-8-5(b) or
 8 IC 16-21-8-5(c), the hospital may seek reimbursement directly
 9 from the victim or any third party payer for any additional
 10 forensic services rendered by the hospital.

11 (d) Costs incurred by a hospital or other emergency medical facility
 12 for the examination of the victim of a sex crime (under IC 35-42-4) not
 13 covered under IC 16-21-8 or incest (under IC 35-46-1-3), if the
 14 examination is performed for the purposes of gathering evidence for
 15 possible prosecution, may not be charged to the victim of the crime.
 16 The costs shall be treated as local costs and charged to the appropriate
 17 local governmental agency as follows:

18 (1) If the treatment or services are provided at a county or city
 19 hospital, or hospital district facility, the county shall pay the
 20 expenses.

21 (2) If the treatment or services are provided at a private hospital,
 22 the expenses are paid by the county in whose jurisdiction the
 23 alleged crime was committed.

24 ~~(c)~~ (e) When a licensed medical service provider not covered by
 25 subsection (a) or (b) elects to provide ~~emergency services~~ a forensic
 26 medical exam to an alleged victim of one (1) or more of the sex crimes
 27 listed in IC 16-21-8-1(b), the medical service provider shall furnish the
 28 services exam without charge. The victim services division of the
 29 Indiana criminal justice institute shall reimburse a medical service
 30 provider for costs in providing ~~the services listed in subsection (d)~~
 31 forensic medical exams. A medical service provider may not charge
 32 the victim for a forensic medical exam required under this chapter
 33 even if there is a delay in receiving reimbursement from the victim
 34 services division of the Indiana criminal justice institute.

35 (f) When a licensed medical service provider not covered by
 36 subsection (a) or (b) elects to provide additional forensic services
 37 to an alleged sex crime victim who cooperates with law
 38 enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the medical
 39 service provider shall furnish the services without charge. The
 40 victim services division of the Indiana criminal justice institute
 41 shall reimburse a medical service provider for costs in providing
 42 the additional forensic services. A medical service provider may

C
o
p
y



1 not charge the victim for services required under this chapter even
2 if there is a delay in receiving reimbursement from the victim
3 services division of the Indiana criminal justice institute.

4 (g) When a medical service provider acting under IC 16-21-8
5 provides additional forensic services to an alleged sex crime victim
6 who does not cooperate with law enforcement under
7 IC 16-21-8-5(b) or IC 16-21-8-5(c), the medical service provider
8 may seek reimbursement directly from the victim or any third
9 party payer for additional forensic services rendered by the
10 medical service provider.

11 (h) The victim services division of the Indiana criminal justice
12 institute may reimburse a medical service provider for costs in
13 providing additional forensic services if the following conditions
14 are met:

- 15 (1) If the victim or claimant has:
 - 16 (A) is at least eighteen (18) years of age;
 - 17 (A) the sex crime must be reported the sex crime to a law
 - 18 enforcement officer within forty-eight (48) ninety-six (96)
 - 19 hours after the crime occurred; and
 - 20 (B) has cooperated fully the victim must cooperate to the
 - 21 fullest extent possible with law enforcement personnel to
 - 22 solve the crime. or
- 23 (2) If the victim services division of the Indiana criminal justice
- 24 institute finds a compelling reason for failure of the victim or
- 25 claimant to report to or cooperate with law enforcement officials:
- 26 is less than eighteen (18) years of age, a report of the sex crime
- 27 must be made to child protective services or a law
- 28 enforcement officer. The division may not deny an application
- 29 for reimbursement under this subdivision solely because the
- 30 victim reported the sex crime more than ninety-six (96) hours
- 31 after the crime's occurrence.

32 If the division finds a compelling reason for failure to report to or
33 cooperate with law enforcement officials and justice requires, the
34 division may suspend the requirements of this section.

35 (d) If the requirements of subsection (c) are met, the victim services
36 division of the Indiana criminal justice institute shall reimburse a
37 medical service provider for costs in providing the following services:

- 38 (1) Appropriate medical care;
- 39 (2) Appropriate procedures for acquiring adequate evidence that
- 40 may be used in a criminal proceeding against a person accused of
- 41 the sex crime;
- 42 (3) Records of the results of examinations and tests made by the

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

hospital.
(4) Appropriate counseling for the victim.
A medical service provider may not charge the victim for services because the victim services division of the Indiana criminal justice institute delays in reimbursing the provider.

(e) (i) Costs incurred by a licensed medical service provider for the examination of the victim of a sex crime (under IC 35-42-4) not covered under IC 16-21-8 or incest (under IC 35-46-1-3) may not be charged to the victim of the crime if the examination is performed for the purposes of gathering evidence for possible prosecution. The costs are local costs to be paid by the county in which the alleged crime was committed.

SECTION 19. IC 5-2-6.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 41. The fund consists of amounts deposited under IC 33-37-7-9, IC 34-51-3-6, and IC 35-50-5-3 and appropriations from the general assembly.

SECTION 20. IC 16-18-2-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.8. "Additional forensic services", for purposes of IC 16-21-8, means the following:

- (1) Initial pregnancy and sexually transmitted disease testing related to an alleged sex crime.
- (2) Prophylactic medication related to pregnancy, pregnancy testing, or sexually transmitted disease testing. However, this subdivision does not include HIV prophylactic medication that may be paid at the discretion of the victim services division of the Indiana criminal justice institute.
- (3) Alcohol and drug testing.
- (4) Syphilis testing up to ninety (90) days after an alleged sex crime.
- (5) Pregnancy testing up to thirty (30) days after an alleged sex crime.
- (6) Mental health counseling concerning problems directly related to an alleged sex crime.

SECTION 21. IC 16-18-2-139.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 139.5. "Forensic medical exam", for purposes of IC 16-21-8, means the following:

- (1) Appropriate procedures for acquiring evidence that may be used in a criminal proceeding against a person charged with a sex crime.
- (2) Suturing and care of wounds that stem directly from the

C
o
p
y



1 **sex crime, including anesthesia and prescribed medication.**
2 SECTION 22. IC 16-21-8-0.6, AS ADDED BY P.L.90-2005,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2006]: Sec. 0.6. As used in this chapter, "provider" means a
5 hospital or licensed medical services provider that provides ~~emergency~~
6 **forensic medical exams and additional forensic** services to a victim.
7 SECTION 23. IC 16-21-8-1 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A hospital
9 licensed under IC 16-21-2 that provides general medical and surgical
10 hospital services shall provide ~~emergency hospital service~~ **forensic**
11 **medical exams and additional forensic services**, in accordance with
12 rules adopted by the victim services division of the Indiana criminal
13 justice institute, to all alleged sex crime victims who apply for ~~hospital~~
14 **emergency forensic medical exams and additional forensic** services
15 in relation to injuries or trauma resulting from the alleged sex crime.
16 (b) For the purposes of this chapter, the following crimes are
17 considered sex crimes:
18 (1) Rape (IC 35-42-4-1).
19 (2) Criminal deviate conduct (IC 35-42-4-2).
20 (3) Child molesting (IC 35-42-4-3).
21 (4) Vicarious sexual gratification (IC 35-42-4-5).
22 (5) Sexual battery (IC 35-42-4-8).
23 (6) Sexual misconduct with a minor (IC 35-42-4-9).
24 SECTION 24. IC 16-21-8-2 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Community or
26 areawide plans may be developed by the hospitals.
27 (b) A hospital may participate with at least one (1) other hospital in
28 a community or an areawide plan to furnish ~~hospital emergency~~
29 **forensic medical exams and additional forensic** services to alleged
30 sex crime victims. A hospital participating in the plan must furnish the
31 ~~hospital emergency~~ **forensic medical exams and additional forensic**
32 services that the plan designates to an alleged sex crime victim who
33 applies for ~~hospital emergency forensic medical exams and~~
34 **additional forensic** services for injuries or trauma resulting from the
35 alleged sex crime.
36 SECTION 25. IC 16-21-8-3 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A hospital ~~providing~~
38 ~~emergency hospital that provides forensic medical exams and~~
39 **additional forensic** services **shall provide the forensic medical**
40 **exams and additional forensic services** to an alleged sex crime victim
41 under this chapter ~~shall provide the following~~ with the consent of the
42 alleged sex crime victim and as ordered by the attending physician.

C
o
p
y



- 1 (1) Appropriate medical care.
- 2 (2) Appropriate procedures for acquiring adequate evidence that
- 3 may be used in a criminal proceeding against a person accused of
- 4 the sex crime.
- 5 (3) Records of the results of examinations and tests made by the
- 6 hospital.
- 7 (4) Appropriate counseling for the victim.

8 SECTION 26. IC 16-21-8-4 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The victim services
 10 division of the Indiana criminal justice institute shall assist in the
 11 development and operation of programs that provide ~~emergency~~
 12 **forensic medical exams and additional forensic** services to alleged
 13 sex crime victims, and if necessary, provide grants to hospitals for this
 14 purpose.

15 SECTION 27. IC 16-21-8-5, AS AMENDED BY P.L.90-2005,
 16 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2006]: Sec. 5. (a) **The division shall award compensation or**
 18 **reimbursement under this chapter for forensic medical exams.**

19 (b) The division ~~may not~~ **shall** award compensation or
 20 reimbursement under this chapter ~~unless~~ **for additional forensic**
 21 **services if** the following conditions are met:

- 22 (1) If the victim is at least eighteen (18) years of age:
 - 23 (A) the sex crime must be reported to a law enforcement
 - 24 officer within ninety-six (96) hours after the crime's
 - 25 occurrence; and
 - 26 (B) the victim must cooperate to the fullest extent possible
 - 27 with law enforcement personnel to solve the crime.
- 28 (2) If the victim is less than eighteen (18) years of age, a report of
- 29 the sex crime must be made to child protective services or a law
- 30 enforcement officer. The division may not deny an application for
- 31 reimbursement under this subdivision based on the victim
- 32 reporting the sex crime more than ninety-six (96) hours after the
- 33 crime's occurrence.

34 ~~(b)~~ (c) If the division finds a compelling reason for failure to report
 35 to or cooperate with law enforcement officials and justice requires, the
 36 division may suspend the requirements of this section.

37 ~~(c)~~ (d) A claim filed for services provided at a time before the
 38 provision of the ~~emergency forensic medical exams and additional~~
 39 **forensic** services for which an application for reimbursement is filed
 40 is not covered under this chapter.

41 SECTION 28. IC 16-21-8-6, AS AMENDED BY P.L.90-2005,
 42 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

COPY



1 JULY 1, 2006]: Sec. 6. (a) When a provider provides ~~emergency~~
2 **services forensic medical exams and additional forensic services**
3 under this chapter to a victim, the provider shall furnish the services
4 without charge.

5 (b) **When a provider provides additional forensic services under**
6 **section 5(b) and 5(c) of this chapter, the provider shall furnish the**
7 **services without charge.**

8 (c) The division shall reimburse a provider for the cost for providing
9 services and shall adopt rules and procedures to provide for
10 reimbursement.

11 (d) The application for reimbursement must be filed not more
12 than one hundred eighty (180) days after the date the service was
13 provided.

14 (e) The division shall approve **or deny** an application for
15 reimbursement filed under subsection (b) not more than one hundred
16 twenty (120) days after receipt of the application for reimbursement.

17 (f) A provider may not charge the victim for services required
18 under this chapter despite delays in reimbursement from the division.

19 SECTION 29. IC 35-41-1-6.3 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.3. "Crime of domestic
21 violence," for purposes of IC 3-7-13-5, **IC 5-2-6.1**, and IC 33-28-4-8,
22 means an offense or the attempt to commit an offense that:

- 23 (1) has as an element the:
 - 24 (A) use of physical force; or
 - 25 (B) threatened use of a deadly weapon; and
- 26 (2) is committed against a:
 - 27 (A) current or former spouse, parent, or guardian of the
 - 28 defendant;
 - 29 (B) person with whom the defendant shared a child in
 - 30 common;
 - 31 (C) person who was cohabiting with or had cohabited with the
 - 32 defendant as a spouse, parent, or guardian; or
 - 33 (D) person who was or had been similarly situated to a spouse,
 - 34 parent, or guardian of the defendant.

35 SECTION 30. IC 5-2-6.1-37 IS REPEALED [EFFECTIVE JULY
36 1, 2006].

37 SECTION 31. **An emergency is declared for this act.**

C
o
p
y



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, after "in" insert "**section 7 of**".

Page 2, line 20, delete ":".

Page 2, delete lines 21 through 22.

Page 2, line 23, delete "(B)".

Page 2, run in lines 20 through 23.

Page 2, line 29, delete "(a)(4)(A)" and insert "**(a)(4)**".

Page 2, line 29, after "IC 35-42-4" insert "**or a crime of domestic violence (as defined in IC 35-41-1-6.3)**".

Page 2, line 33, delete "crime" and insert "**victim**".

Page 3, delete lines 31 through 35.

Page 4, line 6, delete "a court has entered" and insert "**an information or indictment alleging the commission of a crime has been filed by a prosecuting attorney.**".

Page 4, delete lines 7 through 8.

Page 5, line 13, after "payment" insert "**from the division**".

Page 5, line 17, after "division" insert "**under this chapter**".

Page 7, line 24, after "representation" insert "**that exceeds ten percent (10%) of the value of the award**".

Page 9, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 19. IC 35-41-1-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.3. "Crime of domestic violence," for purposes of IC 3-7-13-5, **IC 5-2-6.1**, and IC 33-28-4-8, means an offense or the attempt to commit an offense that:

(1) has as an element the:

(A) use of physical force; or

(B) threatened use of a deadly weapon; and

(2) is committed against a:

(A) current or former spouse, parent, or guardian of the defendant;

(B) person with whom the defendant shared a child in common;

(C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or

(D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant."

C
O
P
Y



Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 300 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 300.

LONG

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 300.

LONG

SENATE MOTION

Madam President: I move that Senator Howard be added as coauthor of Engrossed Senate Bill 300.

LONG

SENATE MOTION

Madam President: I move that Senate Bill 300 be amended to read as follows:

Page 2, line 28, after "IC 35-42-4" insert "**a crime of family violence (as defined in IC 35-41-1-6.5),**".

Page 4, line 5, after "(a)" insert "**This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this chapter.**".

ES 300—LS 6805/DI 106+

C
o
p
y



Page 4, line 6, strike "expense or indebtedness".

Page 4, strike line 7.

Page 4, line 8, strike "the bodily injury or death upon which the application is based".

Page 4, line 8, delete "that".

Page 4, delete lines 9 through 11 and insert **"an amount equal to the amount of reimbursement payable under IC 27-8-10-3 for each of the types of services and items provided to the victim as a result of the bodily injury or death upon which the application is based."**.

Page 4, line 20, after "devices" insert **"that do not exceed the claimant's out-of-pocket loss"**.

Page 5, delete lines 15 through 20.

Page 6, line 28, after "any" insert **"paid or otherwise compensated"**.

Page 6, line 31, after "of" insert **"paid or otherwise compensated"**.

Page 7, line 25, strike "emergency" and insert **"forensic and evidence gathering"**.

Page 8, line 6, strike "emergency" and insert **"forensic and evidence gathering"**.

Page 8, line 34, after "for" insert **"the"**.

Page 8, line 34, strike "in providing the following services:" and insert **"of providing forensic and evidence gathering services."**.

Page 8, line 36, delete "(1)".

Page 8, line 36, strike "Appropriate procedures for acquiring adequate evidence".

Page 8, strike lines 37 through 38.

Page 8, line 39, delete "(2)".

Page 8, line 39, strike "Records of the results of examinations and tests made by".

Page 8, strike line 40.

Page 8, line 41, delete "(3)".

Page 8, line 41, strike "Appropriate counseling for the victim."

Page 9, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 19. IC 16-18-2-139.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 139.5. "Forensic and evidence gathering services", for purposes of IC 16-21-8, means the following:**

- (1) Appropriate procedures for acquiring evidence that may be used in a criminal proceeding against a person charged with a sex crime.**
- (2) Initial pregnancy and sexually transmitted disease testing**

C
O
P
Y



related to the alleged sex crime.

(3) Alcohol and drug testing.

(4) Syphilis testing up to ninety (90) days after the alleged sex crime.

(5) Pregnancy testing up to thirty (30) days after the alleged sex crime.

(6) Other sexually transmitted disease testing up to thirty (30) days after the alleged sex crime.

(7) Suturing and care of wounds that stem directly from the sex crime, including anesthesia and prescribed medication.

(8) Mental health counseling concerning problems directly related to the sex crime.

SECTION 20. IC 16-21-8-0.6, AS ADDED BY P.L.90-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.6. As used in this chapter, "provider" means a hospital or licensed medical services provider that provides ~~emergency~~ **forensic and evidence gathering** services to a victim.

SECTION 21. IC 16-21-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A hospital licensed under IC 16-21-2 that provides general medical and surgical hospital services shall provide ~~emergency hospital service~~ **forensic and evidence gathering services**, in accordance with rules adopted by the victim services division of the Indiana criminal justice institute, to all alleged sex crime victims who apply for ~~hospital emergency~~ **forensic and evidence gathering** services in relation to injuries or trauma resulting from the alleged sex crime.

(b) For the purposes of this chapter, the following crimes are considered sex crimes:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Vicarious sexual gratification (IC 35-42-4-5).
- (5) Sexual battery (IC 35-42-4-8).
- (6) Sexual misconduct with a minor (IC 35-42-4-9).

SECTION 22. IC 16-21-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Community or areawide plans may be developed by the hospitals.

(b) A hospital may participate with at least one (1) other hospital in a community or an areawide plan to furnish ~~hospital emergency~~ **forensic and evidence gathering** services to alleged sex crime victims. A hospital participating in the plan must furnish the ~~hospital emergency~~ **forensic and evidence gathering** services that the plan

C
O
P
Y



designates to an alleged sex crime victim who applies for ~~hospital~~ **emergency forensic and evidence gathering** services for injuries or trauma resulting from the alleged sex crime.

SECTION 23. IC 16-21-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A hospital ~~providing emergency hospital~~ **that provides forensic and evidence gathering** services **shall provide the forensic and evidence gathering services** to an alleged sex crime victim under this chapter ~~shall provide the following~~ with the consent of the alleged sex crime victim and as ordered by the attending physician.

- (1) ~~Appropriate medical care.~~
- (2) ~~Appropriate procedures for acquiring adequate evidence that may be used in a criminal proceeding against a person accused of the sex crime.~~
- (3) ~~Records of the results of examinations and tests made by the hospital.~~
- (4) ~~Appropriate counseling for the victim.~~

SECTION 24. IC 16-21-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The victim services division of the Indiana criminal justice institute shall assist in the development and operation of programs that provide ~~emergency~~ **forensic and evidence gathering** services to alleged sex crime victims, and if necessary, provide grants to hospitals for this purpose.

SECTION 25. IC 16-21-8-5, AS AMENDED BY P.L.90-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The division may not award compensation or reimbursement under this chapter unless the following conditions are met:

- (1) If the victim is at least eighteen (18) years of age:
 - (A) the sex crime must be reported to a law enforcement officer within ninety-six (96) hours after the crime's occurrence; and
 - (B) the victim must cooperate to the fullest extent possible with law enforcement personnel to solve the crime.
- (2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim reporting the sex crime more than ninety-six (96) hours after the crime's occurrence.

(b) If the division finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, the

C
o
p
y



division may suspend the requirements of this section.

(c) A claim filed for services provided at a time before the provision of the **emergency forensic and evidence gathering** services for which an application for reimbursement is filed is not covered under this chapter.

SECTION 26. IC 16-21-8-6, AS AMENDED BY P.L.90-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) When a provider provides **emergency services forensic and evidence gathering services** under this chapter to a victim, the provider shall furnish the services without charge.

(b) The division shall reimburse a provider for the cost for providing services and shall adopt rules and procedures to provide for reimbursement.

(c) The application for reimbursement must be filed not more than one hundred eighty (180) days after the date the service was provided.

(d) The division shall approve **or deny** an application for reimbursement filed under subsection (b) not more than one hundred twenty (120) days after receipt of the application for reimbursement.

(e) A provider may not charge the victim for services required under this chapter despite delays in reimbursement from the division."

Renumber all SECTIONS consecutively.

(Reference is to SB 300 as printed January 27, 2006.)

YOUNG R MICHAEL

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 5, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 3, line 42, after "been" insert "**substantially**".

Page 4, line 6, after "(a)" insert "**This section applies to claims filed with the division after December 31, 2005.**

(b)".

Page 4, line 16, strike "(b)" and insert "(c)".

Page 4, line 18, strike "(c)" and insert "(d)".

Page 4, line 18, delete "(a) and".



C
O
P
Y

Page 4, line 18, after "(b)" delete "," and insert "**and (c)**".

Page 5, line 13, delete "(d)" and insert "(e)".

Page 5, line 17, delete "(e)" and insert "**(f)**".

Page 7, line 25, delete "forensic and evidence".

Page 7, line 26, delete "gathering".

Page 7, line 26, strike "services" and insert "**a forensic medical exam**".

Page 7, line 27, reset in roman "the".

Page 7, line 27, delete "forensic and evidence gathering".

Page 7, line 27, strike "services" and insert "**forensic medical exam described in IC 16-21-8-6**".

Page 7, line 34, after "(b)" insert "**When a hospital acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who cooperates with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the hospital shall furnish the additional forensic services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a hospital for its costs in providing these services and may adopt rules and procedures to provide for reasonable reimbursement. A hospital may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.**

(c) When a hospital acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who does not cooperate with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the hospital may seek reimbursement directly from the victim or any third party payer for any additional forensic services rendered by the hospital.

(d)".

Page 8, line 5, strike "(c)" and insert "(e)".

Page 8, line 6, delete "forensic and".

Page 8, line 7, delete "evidence gathering".

Page 8, line 7, strike "services" and insert "**a forensic medical exam**".

Page 8, line 9, after "the" strike "services" and insert "**exam**".

Page 8, line 11, strike "the services listed in subsection".

Page 8, line 12, strike "(d)" and insert "**forensic medical exams. A medical service provider may not charge the victim for a forensic medical exam required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.**

(f) When a licensed medical service provider not covered by

C
O
P
Y



subsection (a) or (b) elects to provide additional forensic services to an alleged sex crime victim who cooperates with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the medical service provider shall furnish the services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a medical service provider for costs in providing the additional forensic services. A medical service provider may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.

(g) When a medical service provider acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who does not cooperate with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the medical service provider may seek reimbursement directly from the victim or any third party payer for additional forensic services rendered by the medical service provider.

(h) The victim services division of the Indiana criminal justice institute may reimburse a medical service provider for costs in providing additional forensic services".

Page 8, strike lines line 33 through 34.

Page 8, line 35, strike "medical service provider for".

Page 8, line 35, delete "the".

Page 8, line 35, after "for" strike "costs".

Page 8, line 36, delete "of providing forensic and evidence gathering services.".

Page 9, strike lines 2 through 4.

Page 9, line 5, strike "(e)" and insert "(i)".

Page 9, between lines 11 and 12, begin a new paragraph and insert: "SECTION 19. IC 5-2-6.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 41. The fund consists of amounts deposited under IC 33-37-7-9, IC 34-51-3-6, and IC 35-50-5-3 and appropriations from the general assembly.

SECTION 20. IC 16-18-2-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.8. "Additional forensic services", for purposes of IC 16-21-8, means the following:

(1) Initial pregnancy and sexually transmitted disease testing related to an alleged sex crime.

(2) Prophylactic medication related to pregnancy, pregnancy testing, or sexually transmitted disease testing. However, this subdivision does not include HIV prophylactic medication

C
O
P
Y



that may be paid at the discretion of the victim services division of the Indiana criminal justice institute.

(3) Alcohol and drug testing.

(4) Syphilis testing up to ninety (90) days after an alleged sex crime.

(5) Pregnancy testing up to thirty (30) days after an alleged sex crime.

(6) Mental health counseling concerning problems directly related to an alleged sex crime."

Page 9, line 14, delete "and evidence" and insert "**medical exam**",.

Page 9, line 15, delete "gathering services",.

Page 9, delete lines 20 through 28.

Page 9, line 29, delete "(7)" and insert "**(2)**".

Page 9, delete lines 31 through 32.

Page 9, line 37, delete "and evidence gathering" and insert "**medical exams and additional forensic**".

Page 9, line 41, delete "and" and insert "**medical exams and additional forensic**".

Page 9, line 42, delete "evidence gathering".

Page 10, line 3, delete "and evidence gathering" and insert "**medical exams and additional forensic**".

Page 10, line 18, delete "and evidence gathering" and insert "**medical exams and additional forensic**".

Page 10, line 20, delete "and evidence gathering" and insert "**medical exams and additional forensic**".

Page 10, line 22, delete "and evidence gathering" and insert "**medical exams and additional forensic**".

Page 10, line 26, delete "and evidence gathering" and insert "**medical exams and additional forensic**".

Page 10, line 27, delete "and evidence gathering" and insert "**medical exams and additional forensic**".

Page 10, line 42, delete "and evidence gathering" and insert "**medical exams and additional forensic**".

Page 11, line 4, after "(a)" insert "**The division shall award compensation or reimbursement under this chapter for forensic medical exams.**

(b)".

Page 11, line 4, strike "may not" and insert "**shall**".

Page 11, line 5, strike "unless" insert "**for additional forensic services if**".

Page 11, line 19, strike "(b)" and insert "(c)".

Page 11, line 22, strike "(c)" and insert "(d)".

C
O
P
Y



Page 11, line 23, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 11, line 29, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 11, line 31, after "(b)" insert **"When a provider provides additional forensic services under section 5(b) and 5(c) of this chapter, the provider shall furnish the services without charge.**

(c)".

Page 11, line 34, strike "(c)" and insert **"(d)"**.

Page 11, line 36, strike "(d)" and insert **"(e)"**.

Page 11, line 39, strike "(e)" and insert **"(f)"**.

Page 12, after line 16, begin a new paragraph and insert:

"SECTION 31. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 300 as reprinted February 1, 2006.)

ULMER, Chair

Committee Vote: yeas 9, nays 0.

C
O
P
Y

